

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

MARTHA ZEPEDA OLIVARES, et al.,

Plaintiffs,

v.

CITY OF FRESNO, et al.,

Defendants.

Case No. 1:23-cv-01575-JLT-SAB

ORDER RE STIPULATION TO EXTEND THE  
RESPONSIVE PLEADING DEADLINE AND  
CONTINUING THE MANDATORY  
SCHEDULING CONFERENCE TO SEPTEMBER  
24, 2024

(ECF No. 31)

On March 6, 2024, the parties filed a stipulation requesting the deadlines for the responsive pleading date and the scheduling conference either be continued until September 2024 or “taken off calendar.” (ECF No. 31.) The stipulation proffers that Plaintiffs have not named all heirs of the decedent as parties in the instant action. (*Id.* at 2.) The parties contend that the decedent’s wife and children, who would be proper parties to a wrongful death lawsuit under California law, are represented by separate counsel who have indicated that they will not be filing a complaint until potentially August 2024. (*Id.*) The Court shall grant the instant stipulation to the extent it requests a continuance to the initial scheduling conference and deadline for Defendants to file their responsive pleading.

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Accordingly, IT IS HEREBY ORDERED that:

1. The stipulation to continue Defendants' responsive pleading date and the scheduling conference is GRANTED;
2. Defendants shall file a responsive pleading to the first amended complaint **no later than September 6, 2024**;
3. The initial scheduling conference currently set for May 30, 2024 is CONTINUED to **September 24, 2024 at 1:30 p.m., in Courtroom 9** and the parties shall file a joint scheduling report at least **seven (7) days** prior to the scheduling conference; and
3. Failure to comply with this order may result in the issuance of sanctions, up to and including dismissal of this action.

IT IS SO ORDERED.

Dated: **March 14, 2024**



UNITED STATES MAGISTRATE JUDGE